

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22119 of 2006

Dated:26.10.2006

Between:

Karri Tata Reddy.

...Petitioners

and

The Mandal Revenue Officer.

...Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22119 of 2006

ORDER:

The petitioner is a resident of Koppavaram Village of Anaparthi Mandal in East Godavari District. He is allegedly absolute owner of a dwelling house with D.No.4-46 situated in the said Village. When there was a threat of demolition of the house, the petitioner filed W.P.No.14480 of 2005. The same was disposed of by this Court on 15.07.2005 following the decision of the Division Bench of this Court in **Pilli Lakshmana Rao v. Executive Officer, Gram Panchayat,**

Challapalle^[1]. Subsequently, it appears, the respondent issued proceedings dated 31.01.2006 for demolition of the petitioner's dwelling house. The petitioner alleges that the said proceedings were not received by him. The respondent did not take any action, but again issued the impugned notice bearing No.C/365/06, dated 09.10.2006, directing the petitioner to remove the wall constructed unauthorizedly by him. Assailing the said notice, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that the petitioner's dwelling house is in existence since the time of his ancestors and without giving proper details, the respondent cannot direct the petitioner to remove the unauthorized construction. **Opposing the Writ Petition**, the learned Assistant Government Pleader points out

that by earlier proceedings dated 31.01.2006, the petitioner was directed to remove the unauthorized construction and by the impugned proceedings the petitioner is again directed to remove the unauthorized construction, and that in the absence of any challenge to the proceedings dated 31.01.2006, the Writ Petition is not maintainable.

As rightly pointed out by the learned Assistant Government Pleader, the proceedings dated 31.01.2006 which was issued presumably following the directions/observations made by this Court in W.P.No.14480 of 2005, dated 15.07.2005 has not been specifically challenged. The present impugned notice is only a consequential order/notice and if the petitioner has any grievance, he has two options. He can approach the respondent, obtain a copy of the proceedings dated 31.01.2006 and challenge the same before appropriate Forum or he may as well file a detailed representation before the respondent raising all the pleas by way of a defence. The petitioner has straight away approached this Court. Therefore, this Court is not inclined to interfere at this stage. The petitioner is given liberty to approach the respondent by making a representation as observed hereinabove.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

26.10.2006
vs

[\[1\]](#) 2000 (5) ALT 246 (D.B)